

Dear Jim,

8/22/84

The first draft of your memo regarding H.R. 5164, the bill to exempt the CIA from FOIA and assure forgiveness of all its sins along with repetition of them in perpetuity, is quite good. There are about 8-10 typos I've spotted if you revise it.

It is as sad a business as it is historically expectable. Every time reaction makes advances liberals, in the expectation of restraining reaction, advances it. Each time principle is compromised the compromise is described as principle.

In a very real sense, I believe, this gets back to how the earlier FOIA cases were handled. I avoid "fought" because they were not fought. They were dominated by lawyer thinking that finds its parallel in the current ACLU thinking about the Supreme Court.

Some lawyers, like you, lacked the means of fighting these cases as they should have been fought. Others preferred avoidance of any real fighting and found excuses for it that satisfied them but made them part of the corruption of all of this.

As you've heard me say for many years, these kinds of cases can't be fought as law schools teach or as lawyers believe judges will not resist. The law schools and the judges preserve and protect the corruption now as they and other institutions have historically.

If there had been the kind of perseverance we displayed in the first spectro case at that time or when as a result the Act was amended, the present questions and problems might well have been resolved on the side of decency and honesty.

I think the effort you, Fitzgibbon, McGehee, Mackenzie and others are making must be made, regardless of the odds.

I suggest that another effort should be to get a record vote. So that the phony liberals will have nothing to hide behind in the future.

Thanks and best,